



STATE OF MICHIGAN  
TERRI LYNN LAND, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

**DATE:** December 22, 2004  
**TO:** Ballot Question Committees  
**FROM:** Michigan Department of State, Bureau of Elections  
**SUBJECT:** FILING DEADLINE FOR THE ANNUAL CAMPAIGN STATEMENT

**CAREFULLY READ THIS MEMO TO DETERMINE IF THE DESCRIBED FILING IS REQUIRED OF YOUR COMMITTEE. THE JANUARY 31, 2005 CAMPAIGN STATEMENT IS REQUIRED OF BALLOT QUESTION COMMITTEES THAT DID NOT FILE A POST-GENERAL CAMPAIGN STATEMENT DURING DECEMBER 2004. A COMMITTEE THAT HAS A REPORTING WAIVER IS NOT REQUIRED TO FILE CAMPAIGN STATEMENTS.**

**Committees Exempt From Filing**

A Ballot Question Committee that does not fall under one of the following exemptions must file the Annual Campaign Statement:

- A committee that filed a Post-General Campaign Statement during December 2004 is not required to file the Annual Campaign Statement.
- A committee that currently has a Reporting Waiver or qualifies for and obtains a Reporting Waiver on or before January 31, 2005 is not required to file the Annual Campaign Statement. (The Reporting Waiver exemption is discussed in greater detail later in this memo.)

**Committees Required To File**

A Ballot Question Committee that (1) does not have a Reporting Waiver and (2) did not file a Post-General Campaign Statement during December 2004 must file the Annual Campaign Statement. If required, the Annual Campaign Statement must be filed even if the committee does not have any financial transactions to report on the Statement.

**Campaign Statement Coverage Dates**

- A Campaign Statement's opening date is the day after the closing date of the last Campaign Statement filed by the committee. If the committee has never filed Campaign Statements, the opening date of the first Campaign Statement is the earlier of the following two dates: 1) the committee's formation date or 2) the date the committee accepted its first contribution or made its first expenditure.

## **Campaign Statement Forms**

Campaign Statement forms and instructions are available on the Department of State's website <[www.michigan.gov/sos](http://www.michigan.gov/sos)>.

## **Timely, Accurate Campaign Statements Required!**

A \$25.00 late filing fee will be assessed each business day the Statement remains unfiled up to \$500.00.

- Campaign Statements that are hand delivered, sent by first class mail or submitted electronically via the Internet must reach this office before 5:00 p.m. on the due date. Committees must be sure to allow ample mailing time if sending a filing by first class mail.
- An Annual Campaign Statement that is mailed by registered mail, certified mail or an overnight delivery service and postmarked on or before January 31, 2005 will be viewed as a timely filing regardless of when it arrives.
- Be sure to fill out all forms as accurately as possible. Notices will be sent to the committee if forms are omitted, figures are wrong, addresses are incorrect, etc. The committee is then required to file an amendment to correct the error.
- A Campaign Statement will not be accepted if it is illegible, does not bear a proper signature, is not the proper size, or is presented in a computer format that has not been approved by the Department of State's Bureau of Elections.
- Ballot Question Committees must file two (2) copies of each required Campaign Statement (one original and one photocopy).

## **Reporting Waiver Provisions**

A committee that does not expect to receive or spend more than \$1,000.00 in a calendar year is eligible for a Reporting Waiver. A committee that qualifies for and receives a Reporting Waiver is exempt from filing Campaign Statements.

- To become eligible for a Reporting Waiver, the committee must check item 10 on its Statement of Organization. This tells the filing official that the committee does not expect to receive or spend more than \$1,000.00 in a calendar year. The committee can check item 10 on its original Statement of Organization or on an amendment to its Statement of Organization.
- A committee that does not check item 10 on its Statement of Organization is not eligible for a Reporting Waiver. This means that the committee must file Campaign Statements regardless of the amount received or spent during the reporting period.
- A committee loses its Reporting Waiver if it receives or spends more than \$1,000.00 in a calendar year. Note that funds leftover at the end of the year count toward the amount received for the next calendar year. If the Reporting Waiver is lost, the committee must file the next required Campaign Statement.

## **Statement Of Organization**

A committee registered under Michigan's Campaign Finance Act is required to amend its Statement of Organization if any information presented on the form changes. Required amendments to the form must be filed no later than the due date of the next upcoming Campaign Statement required of the committee. Therefore, if your committee is required to file the January 31, 2005 Annual Campaign Statement, we urge you to review your committee's Statement of Organization before you file the Campaign Statement. If any information on the Statement of Organization has changed, be sure to file an appropriate amendment to the form no later than January 31, 2005.

It merit emphasis that an amendment to the committee's Statement of Organization is required anytime a new person is appointed to serve as the committee's treasurer.

## **Identification Requirements**

Public Act 250 of 2001 amended the Michigan Campaign Finance Act to require PAC's, Ballot Question Committees and Political Party Committees to add the statement "**paid for with regulated funds**" to the identification or disclaimer included on printed matter or in paid radio or television advertisements. The amendment provides:

"Except for a Candidate Committee's printed matter or radio or television paid advertisements, each identification or disclaimer required by this section shall also indicate that the printed matter or radio or television paid advertisement is paid for 'with regulated funds.' Printed matter or a radio or television paid advertisement that is not subject to this Act shall not bear the statement required by this subsection."

The use of the phrase, "Paid for with regulated fund by (name and address of committee)" is recommended.

## **Dissolution Information**

To be eligible for dissolution, a Ballot Question Committee must have no assets or outstanding debts. An unpaid late filing fee is considered to be a committee debt.

Funds leftover in a Ballot Question Committee's account may be returned to contributors, donated to another Ballot Question Committee, or expended in any legal manner. Funds may not be given to a candidate, political party, PAC or any other type of committee that supports or opposes candidates.

If the committee has a Reporting Waiver, it is dissolved by filing a single-page Dissolution Campaign Statement form. If the committee does not have a Reporting Waiver, it is dissolved by filing a detailed Campaign Statement with supporting Schedules. A Dissolution Campaign Statement can be combined with the Annual Campaign Statement by checking item 8f on the cover page of the Campaign Statement form.

## **Merts Plus Software For Ballot Question Committees**

The following reminders are offered for Ballot Question Committees that plan to use MERTS Plus software to file Campaign Statements electronically for the 2005 Annual Campaign Statement. **Questions concerning use of the software should be directed to MERTS Plus Tech Support at: (703) 749-4642 or sent by e-mail to [techsupport@nicusa.com](mailto:techsupport@nicusa.com).**

- **Election Cycles** – Make sure the correct election cycle(s) are entered into the Election Cycles Window. For expenditures made after the November 2, 2004 election to support or oppose an issue, a new election cycle must be created for each ballot issue (Section 1.4 of the MERTS Plus Manual). The election cycle begins on the day after the last general election and ends on the day of the special election.
- **Campaigns** – Make sure the correct campaign(s) are created in the Campaign Window for each issue supported or opposed by the committee. For expenditures made after the November 2, 2004 election to support or oppose an issue, a new campaign must be created for each ballot issue (Section 1.5 of the MERTS Plus Manual).
- **Reporting Periods** – A separate report record (with appropriate coverage period dates) must be created in the Reports Window for each Campaign Statement that will be submitted by the committee electronically (Section 1.6 of the MERTS Plus Manual).
- **Amendments to Campaign Statements** – An amended Campaign Statement cannot be filed until an original Campaign Statement has been filed electronically. If more than one amendment to a report has been created, each amendment must be submitted electronically in the order it was created.

### **Obtaining The Merts Plus Software**

State level committees wishing to obtain the MERTS Plus software may apply on-line at the MERTS Plus web site <[www.mertsplus.com](http://www.mertsplus.com)>. Both on-site and on-line software training options are available. Access to the software is provided to committees that have completed the training session and submitted an original or amended Statement of Organization requesting the MERTS Plus software.

### **Questions?**

If you have questions, please feel free to phone us at (517) 373-2540 or write us at the address indicated below. The address below should also be used to mail your filings by first class mail, registered mail or certified mail.

Michigan Department of State  
Bureau of Elections  
Post Office Box 20126  
Lansing, Michigan 48901-0726

If you would like to visit our office or mail a filing by an overnight delivery service, the address below is provided.

Michigan Department of State  
Bureau of Elections  
1<sup>st</sup> Floor, Treasury Building  
430 W. Allegan St.  
Lansing, MI 48918